

REMARKS

Applicant has cancelled independent claims 43, 70, 83, 86 and 91. Many dependent claims have been cancelled, and several dependent claims have been amended to depend on pending independent claim 18. These dependent claims have also been amended to address antecedent basis issues caused by the change in dependency. Therefore, the claims have not been amended substantively. Applicant believes these amendments place the application in condition for allowance. However, if the Examiner maintains the rejection, Applicant requests entry of the amendment for purposes of appeal.

Claims 18, 47-89 and 91 are rejected under 35 U.S.C. 102(e) as being anticipated by Epler et al. (US 7024370). Epler et al. does not disclose a method of activating an alert including the step of updating a trigger at an update frequency by adding new occurrences to the historical occurrences and dropping old occurrences from the historical occurrences. The Examiner states that changing criteria for the analysis is indicative of changing triggers, and it is inherent to remove data and add new occurrence (pages 3 to 4 of the Final Office Action). However, the Examiner supplies no evidence of this assertion. The Applicant asks that this information be provided or the rejection dropped. Epler et al. does not disclose updating any triggers, and it is not inherent that the basis for the analysis performed in step 30 is updated. Epler et al. does not disclose adding and removing data as stated by Examiner in the example provided in the Office Action relating to the time window relating to a five day window in March. The claimed invention is novel.

Applicant believes that no additional fees are necessary; however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds, P.C. for any additional fees or credit the account for any overpayment.

Respectfully Submitted,

CARLSON, GASKEY & OLDS, P.C.

/Karin H. Butchko/

Karin H. Butchko
Registration No. 45,864
400 West Maple Road, Suite 350
Birmingham, Michigan 48009
Telephone: (248) 988-8360
Facsimile: (248) 988-8363

Dated: October 1, 2010